



January 12, 2005

HOUSE BILL No. 1033

DIGEST OF HB 1033 (Updated January 11, 2005 2:47 pm - DI 69)

Citations Affected: IC 13-11; IC 13-13; IC 13-21; noncode.

Synopsis: Environmental quality service council and energy matters. Makes the environmental quality service council (EQSC) permanent. Requires the EQSC to study issues concerning energy matters, including investigating methods to increase research, development, production, and use of alternative fuels.

Effective: July 1, 2005.

Heim, Grubb, Friend, Dvorak

January 4, 2005, read first time and referred to Committee on Environmental Affairs.
January 11, 2005, amended, reported — Do Pass.

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HB 1033—LS 6089/DI 14+



January 12, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1033

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-46 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 46. "Council", for
3 purposes of ~~IC 13-21-2~~, **IC 13-13-7**, refers to the ~~solid waste planning~~
4 ~~advisory council~~; **environmental quality service council established**
5 **by IC 13-13-7-1, unless the specific reference is to the legislative**
6 **council.**

7 SECTION 2. IC 13-13-7 IS ADDED TO THE INDIANA CODE AS
8 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2005]:

10 **Chapter 7. Environmental Quality Service Council**

11 **Sec. 1. The environmental quality service council is established.**

12 **Sec. 2. The council consists of seventeen (17) voting members**
13 **and one (1) nonvoting member as follows:**

14 (1) **Four (4) members of the senate, not more than two (2) of**
15 **whom may be affiliated with the same political party, to be**
16 **appointed by the president pro tempore of the senate.**

17 (2) **Four (4) members of the house of representatives, not**

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more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The:

(A) commissioner of the department; or

(B) commissioner's designee;

who serves as a nonvoting member.

(4) Nine (9) individuals who are not members of the general assembly and who are appointed by the governor as follows:

(A) Two (2) individuals representing business and industry, not more than one (1) of whom may be affiliated with the same political party.

(B) Two (2) individuals representing local government, one (1) of whom may be a solid waste management district director and not more than one (1) of whom may be affiliated with the same political party.

(C) Two (2) individuals representing environmental interests, one (1) of whom may be a solid waste management district director and not more than one (1) of whom may be affiliated with the same political party.

(D) One (1) individual representing the general public.

(E) Two (2) individuals representing the following interests:

(i) One (1) representative of semipublic permittees.

(ii) One (1) representative of agriculture.

Sec. 3. An appointment under section 2 of this chapter is valid for two (2) years after the date of the appointment. However, a member shall serve until a new appointment is made.

Sec. 4. (a) If a vacancy occurs among the members of the council, the appointing authority of the member whose position is vacant shall fill the vacancy by appointment.

(b) If the appointing authority does not fill a vacancy within sixty (60) days after the date the vacancy occurs, the vacancy shall be filled by appointment by the chairman of the legislative council.

Sec. 5. The chairman of the legislative council shall designate a legislative member of the council to be the chair of the council.

Sec. 6. The chair of the council shall call for the council to meet at least one (1) time during a calendar year. The chair may designate committees of the council to meet between council meetings and report back to the full council.

Sec. 7. The council shall do the following:

(1) Study issues designated by the legislative council.

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(2) Advise the commissioner on policy issues decided on by the council.

(3) Review the mission and goals of the department and evaluate the implementation of the mission.

(4) Serve as a council of the general assembly to evaluate:

(A) resources and structural capabilities of the department to meet the department's priorities; and

(B) program requirements and resource requirements for the department.

(5) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.

(6) Do the following concerning energy matters:

(A) Investigate methods to increase research, development, production, and use of alternative fuels, including:

(i) biofuels such as biodiesel, ethanol, and other agricultural based alternatives to petroleum based fuels;

(ii) clean coal technology;

(iii) wind and solar power; and

(iv) other sources of renewable energy.

(B) Give priority consideration to review of energy projects and policies that will provide maximum economic and environmental benefits to Indiana.

(C) Submit recommendations to:

(i) the legislative council;

(ii) the commissioner of agriculture;

(iii) the department of commerce; and

(iv) legislative committees that have subject matter jurisdiction over energy matters.

The recommendations to the legislative council must be in an electronic format under IC 5-14-6.

(7) Submit an annual report to the legislative council, in an electronic format under IC 5-14-6, that contains at least the following:

(A) An outline of activities of the council.

(B) Recommendations for department action.

(C) Recommendations for legislative action.

Sec. 8. The commissioner shall report to the council each month concerning the following:

(1) Permitting programs and technical assistance.

(2) Proposed rules and rulemaking in progress.

(3) The financial status of the department.

(4) Additional matters requested by the council.

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1 **Sec. 9. The legislative services agency shall provide staff support**
2 **to the council and panel.**

3 **Sec. 10. The council shall operate under the rules of the**
4 **legislative council.**

5 SECTION 3. IC 13-21-1-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Revisions of the state
7 plan must be

8 ~~(1) developed with the advice of the solid waste planning advisory~~
9 ~~council established by IC 13-21-2-1; and~~

10 ~~(2) implemented using the procedures set forth in section 1 of this~~
11 ~~chapter.~~

12 SECTION 4. P.L.248-2001, SECTION 4, IS REPEALED
13 [EFFECTIVE JULY 1, 2005].

14 SECTION 5. [EFFECTIVE JULY 1, 2005] (a) **Until an**
15 **appointment is made under IC 13-13-7-2(4)(A) through**
16 **IC 13-13-7-2(4)(E), all as added by this act, a vacant position on the**
17 **environmental quality service council shall be held by the**
18 **corresponding member of the environmental quality service**
19 **council serving on January 1, 2005, who was appointed under**
20 **P.L.248-2001, SECTION 4(d)(4) to represent the same interest as**
21 **must be represented by the person appointed to the vacant**
22 **position.**

23 (b) The appointing authorities under IC 13-13-7-2, as added by
24 this act, shall make the appointments required by IC 13-13-7-2
25 before August 1, 2005.

26 (c) This SECTION expires December 31, 2005.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1033, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1033 as introduced.)

WOLKINS, Chair

Committee Vote: yeas 11, nays 0.

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